

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 8, 1959  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

## Roll call:

Present: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Assistant Chief of Police.

Invocation was delivered by REV. EDWIN ROBERTSON, Wilshire Presbyterian Church, 1507 Wilshire Boulevard.

Councilman Pearson moved that the Minutes of the Meeting of December 22, 1958, be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor Miller  
Noes: None  
Present but not voting: Councilman Palmer (absent on that date)

Councilman White moved that the Minutes of the Meeting of December 31, 1958, be approved. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller  
Noes: None  
Present but not voting: Councilman Pearson (absent on that date)

The Council held public hearing on a proposed increase in the minimum bills for water and light. The City Manager reported on a study made and on the findings of this study in that the present minimum rates were not covering the costs of reading the meters, billing and collecting. His recommendation was to set a rate for the minimum as follows:

Water	\$1.00
Water & Sewer	1.25
Electric	1.00

MR. AMOS HEROLD spoke in opposition to any increase in the minimum charges, stating he had no proof that the present charge was insufficient to pay for the services; that the city did not pay interest on deposits; and that an increase in minimum charge would be a hardship on owners of vacant rental properties on which they paid the utilities. It being 11:00 A.M. and hearings on zoning applications having been advertised for that time, the Council opened the meeting for public hearings on zoning matters. Councilman Long moved that the zoning hearings be recessed for ten minutes to complete the hearing on the water rate. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

MR. DAVID CARSON expressed opposition to increasing the minimum rate as it would affect people in the very low income brackets. MR. C. T. JOHNSON protested a minimum rate increase also. The City Manager explained that the minimum rate would affect customers owning camp houses on the lake, warehouses, and very few customers using the minimum amount only. MR. T. L. RYLANDER, 4403 Avenue A, opposed an increase as submitted. He reported a case where a family had been cut off from water. Mr. Rylander was asked to report the name and address to the City Manager to check. Later on in the meeting, Councilman Palmer moved that the minimum rates be changed as recommended by the City Manager. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller  
Noes: Councilman Long\*

\*Councilman Long voting against the motion with the statement, "For reasons already stated many times before, I vote 'no'. I feel very deeply about this."

MR. CARL HARDIN, JR. announced the opening of the MARCH OF DIMES, and invited the Council to be present at 7th and Congress at 10:00 A.M. Friday, January 9, 1959. He also asked the Council to consider the detailing of a sufficient number of policemen to handle the traffic at the Auditorium during the programs from the 16th-19th.

Announcement was made that the hearing on the following zoning application had been postponed:

MISS ELLA JOHNSON, et al	610-12 Chalmers Ave. 1611-13 & 1619-23 East 7th Street	From "A" Residence To "C" Commercial
-----------------------------	--------------------------------------------------------------	-----------------------------------------

Pursuant to published notice thereof the following zoning applications were publicly heard:

DR. FRANK WORTHAM	2606-12 South Lamar Boulevard	From "A" Residence 1st Height and Area To "GR" General Retail 2nd Height and Area RECOMMENDED by the Planning Commission
-------------------	----------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------

MR. ROBERT SNEED represented the applicants, Gateway Investment Co., who want to erect a modern type motel. He asked that Ann Arbor Avenue be abandoned so that no commercial traffic would be funnelled through a residential development. Opposition was expressed by Mr. & Mrs. A. E. PETERSON, MR. RICHARD STEWART, MR. ROY D. KIZER, MRS. FRANK WEBB. MR. ELMO FERGUSON and MR. P. E. PALMER withdrew their objections if Ann Arbor Street were vacated. MR. SNEED withdrew the portion of the application asking for a change from 1st Height and Area to 2nd Height and Area, and said he would file a written statement. MR. KIZER asked to be called when the Council visits the area. The Council postponed decision on this application.

-----

PAUL MURCHISON	3902-04 Seiders Avenue	From "A" Residence To "B" Residence NOT Recommended by the Planning Commission
----------------	------------------------	-----------------------------------------------------------------------------------------

MR. S. M. AMSTER, Attorney representing Temple Beth Israel, opposed the change. If proper off street parking could be maintained without any traffic hazards, he would have no objections. The Council postponed decision on this application.

-----

L. W. GIDDENS	4400-02 Avenue A 500-02 West 44th Street	From "C" Commercial To "LR" Local Retail NOT Recommended by the Planning Commission RECOMMENDED "B" Residence
---------------	---------------------------------------------	---------------------------------------------------------------------------------------------------------------------------

Mr. Giddens stated he had agreed that if he did not get the Post Office on his property when he requested "C" zoning, he would file for return to original zoning. He would like to ask for "LR" Local Retail as the neighborhood was changing. MR. T. L. RYLANDER opposed, and filed a petition in opposition. The Council postponed decision on this application.

-----

M. G. BEAUBIEN	5401-05 Clay Avenue	From "C" Commercial 2nd Height and Area & "A" Residence 1st Height and Area To "C-1" Commercial 2nd Height and Area NOT Recommended by the Planning Commission
----------------	---------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

No one appeared on this application. The Council postponed decision.

-----



Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the change had been granted to "BB" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

BERTIS & VERA MCGILL	1143 $\frac{1}{2}$ Gunter Street	From "A" Residence To "B" Residence No Recommendation by the Planning Commission
----------------------	----------------------------------	-------------------------------------------------------------------------------------------

Mrs. McGill appeared in her own behalf. The Mayor asked those who wished to grant the change to "B" Residence to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

NETTIE M. BASS	205 East 54th Street	From "A" Residence To "B" Residence RECOMMENDED by the Planning Commission
----------------	----------------------	-------------------------------------------------------------------------------------

The Mayor asked those who wished to grant the change to "B" Residence to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

LAURA P. GREATHOUSE	3522-3704 (3510) East Avenue	From "A" Residence To "C" Commercial RECOMMENDED by the Planning Commission
---------------------	---------------------------------	--------------------------------------------------------------------------------------

The Mayor asked those who wished to grant the change to "C" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

BARTON VILLAGE, INC.	2708-10 South Lamar	From "GR" General Retail
by Frank Barron	Boulevard	To "C-1" Commercial
		RECOMMENDED by the
		Planning Commission

The Mayor asked those who wished to grant the change to "C-1" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

WILLIAM P. SIMMS	604-20 East 7th Street	From "C" Commercial
VIRGINIA BLACK(Leasee)		To "C-1" Commercial
FRANK S. LOPEZ(Owner)		RECOMMENDED by the
		Planning Commission

The Mayor asked those who wished to grant the change to "C-1" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

- -  
- - - - -

Mayor Miller brought up the following ordinance for its second reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 110 ACRES OF LAND, MORE OR LESS, OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the second time and Councilman Pearson moved that the ordinance be passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on maps or plats of Park Forest, Section 1, Park Forest Section 2, and Park Forest Section 5, subdivisions of a portion of the Isaac Decker League, in the City of Austin, Travis County, Texas, a certain street, extending southerly from the south line of Philco Drive to the south line of Park Forest Section 5, is designated as Foresthill Drive; and,

WHEREAS, the maps or plats of said Park Forest, Section 1, Park Forest Section 2 and Park Forest Section 5, are of record in Book 7, page 152, Book 9, page 32 and Book 9, page 33, respectively, of the Plat Records of Travis County, Texas; and,

WHEREAS, the present owners of property abutting following described portion of said street have requested that the name of such portion of Foresthill Drive be changed to South Forest Drive; Now; Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the name of the following described portion of the street now designated as Foresthill Drive, as the same appears on the maps or plats of Park Forest, Section 1, Park Forest Section 2 and Park Forest Section 5, of record in Book 7, page 152, Book 9, page 32 and Book 9, page 33, respectively, of the Plat Records of Travis County, Texas, be and the same is hereby changed to South Forest Drive, said portion of such street so changed being described as follows:

A portion of that certain street known as Foresthill Drive as shown on a map or plat of Park Forest Section 1, a subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said Park Forest Section 1 of record in Book 7 at page 152 of the Plat Records of Travis County, Texas, also as shown on a map or plat of Park Forest Section 2, a subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said Park Forest Section 2 of record in Book 9 at page 32 of the Plat Records of Travis County, Texas, also shown on a map or plat of Park Forest Section 5, a subdivision of a portion of the said Isaac Decker League, in the City of Austin, Travis County, Texas, according to a map or plat of said Park Forest Section 5 of record in Book 9 at page 33 of the Plat Records of Travis County, Texas, which Foresthill Drive extends from the south line of Philco Drive as shown on said map or plat of Park Forest Section 1 to south line of said Park Forest Section 5.

BE IT FURTHER RESOLVED:

That the City Clerk is hereby authorized and directed to file or cause to be filed a certified copy of this Resolution in the Deed Records of Travis County, Texas.

The motion, seconded by Councilman White, carried by the following vote:  
 Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
 Noes: None

The Council granted the request of MR. PAUL C. WALTER to postpone the following zoning application so that an attempt could be made to work out a more suitable lot arrangement of his property and other properties in the neighborhood as suggested by the Planning Commission:

PAUL C. WALTER	405 Pickford Drive	From "A" Residence
	6631 Airport Boulevard	To "GR" General Retail
		No Recommendation by the Planning Commission

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH HENRY WIRE, INDIVIDUALLY AND AS TRUSTEE FOR ELIZABETH ANN BROWN, AND W. S. DRAKE, III; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
 Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
 Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
 Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 31 OF THE AUSTIN CITY CODE OF 1954, BY AMENDING SECTION 31.49 THEREOF PERTAINING TO THE PENALTY FOR VIOLATING PROVISIONS OF SAID CHAPTER.

The ordinance was read the first time and Councilman Long moved that

the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

RESOLUTION ACCEPTING AN OFFER OF THE UNITED  
STATES TO AMEND CONTRACT FOR PLANNING ADVANCE  
NO. TEX. R-20(A)

WHEREAS, the United States of America (herein called the "Government") has tendered to the City of Austin (herein called the "Local Public Agency") an Offer, hereinafter mentioned, to amend Contract for Planning Advance No. Tex. R-20(A), dated January 13, 1958; and

WHEREAS, the Local Public Agency has given due consideration to said Offer:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN AS FOLLOWS:

Section 1. The Offer of the Government to the Local Public Agency dated December 18, 1958, designated Offer to Amend Contract for Planning Advance No. Tex. R-20(A), is hereby in all respects accepted.

Section 2. The Local Public Agency agrees to abide by all of the provisions, terms, and conditions of said Offer.

Section 3. Authority is granted to the officers and duly appointed agents of the Local Public Agency to send to the Housing and Home Finance Agency certified copies of this and such further documents or proofs in connection with the acceptance of said Offer as may be requested by the Government.

Section 4. This RESOLUTION shall be effective immediately.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Charles C. Madden Company is the Contractor for the remodeling of a building located at 811 Congress Avenue and desires a portion of the sidewalk and street space abutting Lot 8, Block 97, of the Original City of Austin, Travis County, Texas, during the remodeling of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Charles C. Madden Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction at right angles to the center line of Congress Avenue to a point 12 feet west of the east curb line; thence in a southerly direction and parallel to the center line of Congress Avenue approximately 23 feet to a point; thence in an easterly direction and at right angles to the center line of Congress Avenue to the southwest corner of the above described property.

2. THAT the privileges and allotment of space are granted to the said Charles C. Madden Company, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

- (5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.
- (6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.
- (7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.
- (8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting systems for all tunnels.
- (9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than March 15, 1959.
- (10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.
- (11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.
- (12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.
- (13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Two Thousand Dollars (\$2,000) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Long, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, A. R. Abrams and Sons is the Contractor for the alteration of a building located at 513 Congress Avenue and desires a portion of the sidewalk and street space abutting Lot 4, Block 56, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said A. R. Abrams and Sons, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction at right angles to the center line of Congress Avenue to a point five feet east of the east curb line; thence in a southerly direction and at right angles to the center line of Congress Avenue 46 feet to a point; thence in an easterly direction and at right angles to the center line of Congress Avenue to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said A. R. Abrams and Sons, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall erect within the above described working space a solid fence build of not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use 2 parking meter spaces immediately in front of the entrance in the barricade for the delivery of removal of materials during construction work.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not

within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting systems for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than March 15, 1959.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part of all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Two Thousand Dollars (\$2,000) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the Construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Long, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Rex D. Kitchens Construction Company is the Contractor for the addition of a building located at 1006 Lavaca Street and desires a portion of

the sidewalk and street space abutting Lots 7, 8, and 9, Block 126, of the Original City of Austin, Travis County, Texas, during the addition of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Rex D. Kitchens Construction Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southeast corner of the above described property; thence in an easterly direction and at right angles to the center line of Lavaca Street to the face of the west curb line, and that is in a northerly direction and parallel with the center line of Lavaca Street approximately 82 feet to a point; thence in a westerly direction and at right angles to the center line of Lavaca Street to the east line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Rex D. Kitchens Construction Company, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting systems for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than August 1, 1959.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Long, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Mayor Miller brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING

REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "D" INDUSTRIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT ON LOT 22, PAUL SIMMS ADDITION; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller  
Noes: Councilman Pearson

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller  
Noes: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

The Council had under study THOROUGHFARE STANDARDS that had been developed from a recommendation of the Planning Consultant, a study of the Planning Commission; and a review and study by the City Manager, Director of Public Works, Traffic Engineer and Legal Department. MR. DAVID BARROW, Chairman of the Planning Commission, went over the present recommendation in detail, and the City Manager made explanation of his recommendation. MR. DOAK RAINEY, member of the Planning Commission, stated he saw no advantage in 80-90- or 100' right-of-way in residential areas over a 75'. The only advantage over a 75' right-of-way in a residential area would be the 120' street where there was controlled access. After detailed discussions, the Mayor stated the Council would take this under study.

The Council rose in memory of MR. JOE BOWLES, who had been employed by the City since 1911 and retired in 1941, and was deceased December 22, 1958. A Resolution of commemoration was adopted and a copy ordered sent to his family, and a page set aside in the Minutes.

The City Manager reported on a contract for T-hangars at the Airport and the delay by the contractor in getting the work finished by the required time. He stated around \$5,000 had been withheld from final payment of the work, and the contractor had applied to the Council for waiver of the penalty, and had submitted his reasons for delay. The Assistant Public Works Director went over the letter and reasons in detail. The City Manager stated there had been a loss of rentals to the City in the amount of \$5,000. It was stated that the reason the contractor had brought this before the Council was that the bonding company had insisted that he do so. The City Manager stated as it stood now, the City

had lost rental of the hangars. He said up to now he had not talked with the contractor himself as the matter had been carried on through the department, but that he would contact him. (Holt)

The City Manager submitted a proposal of the BROWNING'S to build a hangar at the airport 42x120 to house two twin engine planes. His recommendation was to lease the raw land and permit the Brownings to construct the hangar. He stated Colonel MURPHY had made quite a study of ground rentals similar to this request, and it was the recommendation that four cents a square foot would be a fair rental for the space, which in this case would amount to about \$18.00 a month for the ground. He went into some of the terms of a contract that would be drawn up stating the lease would be for 15 years, and two five year options. Councilmen Long and Pearson inquired about a straight charge of \$25.00 per month. The City Manager recommended that in the future that instead of building these T-hangars and putting out \$100,000 for which \$1,000 a month was received in rent, that the land be leased and the lessee build the hangars, and the City receive ground rental plus taxes. The Council took no formal action this week, and the matter was postponed until next week.

The City Manager stated the representative for WILLIAMSON COUNTY WATER DISTRICT NO. 1 had asked to come in and talk with the Council. The City Manager had recommended against a contract with Williamson County Water District No. 1. The Council set this for hearing next Thursday at 10:30 A.M.

The City Manager submitted two separate sheets for taking bids on the Power Plant on power piping and power wiring--(1) taking separate bids and a possible combined bid and (2) combined single bid for the whole job. He stated the Consultants had suggested that the bid form include some prequalifications on the power piping. Copies of the two proposals are to be sent to the Council members.

Councilman Palmer moved that permission for certain improvements on Lake Austin be granted, subject to the approval of Councilman White and the Director of Public Works, to the following applicants:

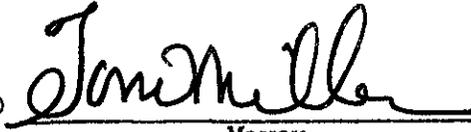
MR. HERMAN BROWN, et al, By Mr. Joe Corwin  
MR. JOE B. McQUEEN  
MRS. FLEECIE P. PURNELL, By Mr. Marion Fowler  
DR. JANE PEARCE NEWTON, By Mr. Marion Fowler  
DR. R. ALLWYN COOPER and wife, POLLY S. COOPER, By Mr. Marion Fowler

The motion, seconded by Councilman Long, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

There being no further business, the Council adjourned at 5:00 P.M.,

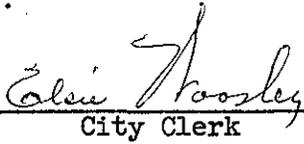
subject to the call of the Mayor.

APPROVED



Mayor

ATTEST:

  
City Clerk

